IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

-

TUESDAY, THE SIXTH DAY OF JULY
TWO THOUSAND AND FOUR

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PRESENT

-

THE HON'BLE MR JUSTICE S.ANANDA REDDY

-

WRIT PETITION NO : 11308 of 2004

-

Between:

K.P. Reddaiah S/o. (Late) Subbaiah
R/o. 8-3-979/85, Shalivahanagar, Hyderabad.

..... PETITIONER

AND

1. The A.P. Cooperative Tribunal at Hyderabad rep. by its Registrar.
2. Deputy Registrar/Divisional Co-op Officer, Hyderabad (West) Division, Mehdipatnam, Hyderabad.
3. M/s. Gopal Nagar Co-op. House Building Society Ltd., rep by bearing No.TBC.260 Person Incharge Committee, Medipatnam, Hyderabad.
4. P.Nageswara Rao, Committee Member of the Management of M/s Gopal Nagar Co-op.House Buidling Society Ltd., Mehdipatnam, Hyderabad.
5. Kumar A.N.Committee Member of the Management of M/s Gopal Nagar Co-op.House Buidling Society Ltd., Mehdipatnam, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ order or direction declaring that the order passed by the 1st Respondent/Cooperative Tribunal Dated 22-7-2003 in I.A.No.833 of 2003 in CTA.No.248 of 2003 as null and void, and direct the 1st Respondent Cooperative Tribunal, to take up and dispose of CTA No.248 of 2003 and other connected appeals which are directed against the order of supercession

relating to the Managing Committee of 3rd respondent Society and grant such other relief as it deems fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.V.VENKATARAMANA

Counsel for the Respondent No.: GP FOR COOPERATION

The Court Made the Following **ORDER**:

This writ petition is filed by the petitioner aggrieved by the action of the first respondent-Cooperative Tribunal in not disposing of the application of the petitioner in I.A.No.833 of 2003 in CTA.No.248 of 2003 as well as the non-disposal of the appeal itself filed before the first respondent against the order of supercession of the Managing Committee of the third respondent-society.

2 . According to the petitioner as the Managing Committee of the third respondent-society are indulging in various illegal activities, the second respondent passed orders of supercession vide proceedings dated 21-4-2003. The said order was assailed before the Tribunal on the ground that the said Managing Committee has not issued any notice before passing the impugned order of supercession. Therefore sought for suspension of the order before the Tribunal.

3. The Tribunal suspended the said order but so far, did not dispose of the said appeal. The fourth respondent, who was one of the members of the Managing Committee, who filed the appeal before the Tribunal, also filed I.A.No.833 of 2003 and obtained the order of suspension by the second respondent dated 22-7-2003. By virtue of the said order of suspension, the superceded Managing Committee is continuing in the office of the third respondent-society, which is indulging in irregularities by allotting house plots to the new members without allotting the same to the existing and old members, who are eligible in accordance with the by-laws. Therefore, the petitioner has come up with the present writ petition seeking appropriate directions to the Tribunal for disposal of the above appeal.

4. Heard learned counsel for the petitioner and learned Government Pleader.

5 . In view of the grievance of the petitioner that the appeal was not being disposed of by the Tribunal, the first respondent-Tribunal is directed to dispose of the CTA No.248 of 2003 expeditiously, preferably within a period of four

weeks from the date of receipt of a copy of this order.

6. Accordingly the Writ Petition is disposed of at the admission stage.

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S. Ananda Reddy, J.

6th July, 2004

js.

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Registrar, A.P. Cooperative Tribunal, Hyderabad.
2. The Deputy Registrar/Divisional Co-op Officer, Hyderabad (West) Division, Mehdipatnam, Hyderabad.
3. Bearing No.TBC.260 Person Incharge Committee, M/s. Gopal Nagar Co-op. House Building Society Ltd., Medipatnam, Hyderabad.
4. Two CCs to G.P. for Cooperation, High Court Buildings, High Court of A.P., Hyderabad.(OUT)
5. 2 CD copies.

Js.